UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/689
22 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 39

THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

Letter dated 20 November 1996 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to resolution 50/88 B on the situation in Afghanistan, which was adopted by the General Assembly on 19 December 1995, in particular to paragraphs 3 and 4 of that resolution.

In accordance with those paragraphs, I invited a group of 19 regional and other interested Member States, together with the Organization of the Islamic Conference (OIC), to a one-day meeting of consultation in New York on 18 November 1996. The purposes of the meeting were twofold: to brief the participants on the United Nations current efforts in Afghanistan in the political, humanitarian and developmental fields; and to discuss with them what more they could do to support those efforts, with special reference to the conclusion of a ceasefire and the initiation of a political process leading to a negotiated settlement of the conflict.

The Member States invited were China, Egypt, France, Germany, India, Islamic Republic of Iran, Italy, Japan, Kazakstan, Kyrgyzstan, Pakistan, the Russian Federation, Saudi Arabia, Tajikistan, Turkey, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uzbekistan.

All participants made substantive contributions to the debate and a pleasing degree of consensus was revealed. The message that the meeting sent to the Afghan parties was clear. This well-informed and influential group of countries unanimously expressed their conviction that there was no military solution to the conflict in Afghanistan. They wanted an immediate ceasefire, which in the view of almost all of them should include the demilitarization of Kabul. They wanted the Afghan parties to join in a genuine effort to find a political settlement to their conflict. They expressed their readiness to join in coordinated international efforts to help the Afghan parties to achieve this.

All the participants said that the present situation could not be allowed to continue. It was intolerable in terms of the suffering it imposed on the Afghan people. It was also intolerable in the threats that it presented to the region and the world: the threats of regional destabilization, of drugs, of terrorism, of illegal arms flows.

The participants also reaffirmed the principles enshrined in General Assembly resolution 50/88 B, namely respect for Afghanistan's sovereignty, independence and territorial integrity; the need for the Afghan parties to negotiate a political settlement that would respect the rights of all groups, including their human rights; and an end to foreign interference, especially through the supply of arms. And they reaffirmed support for the kind of peace process outlined in paragraph 4 of resolution 50/88 B.

All the participants confirmed that the United Nations had a central role to play in helping the Afghan parties define and implement a peace process, in close consultation with OIC, whose efforts should be complementary to those of the United Nations. They were unanimous in their appreciation of the efforts of the Special Mission under the leadership of Mr. Norbert Holl, especially his current efforts to bring about a ceasefire in and around Kabul, and pledged their continued support for those efforts. I was particularly encouraged that they responded positively to my call for close coordination between their own mediating efforts and those of the United Nations.

In my summing up at the end of the meeting I was able to conclude that the delegations present had responded positively on a number of key issues. They had indicated that they would use their influence with the various factions to persuade them to give up the military option and join in the common search for a negotiated peace. They had given a positive response to my request that countries with influence in Afghanistan should be ready, individually or collectively, to help the United Nations efforts when the United Nations so requests. Most expressed the view that it would be useful for the group to continue to meet informally from time to time and at various levels. There was also widespread support for the idea that in due course an international conference should be convened to support negotiations and endorse their results. A number of delegations offered to host such a conference and/or earlier direct negotiations between the Afghan parties.

Participants also showed a keen interest in collective action to curb or halt the flow of arms and ammunition into Afghanistan. Some suggested that the Wassenaar regime for the point of origin control of conventional weapons transfers could be useful in this context. Others favoured a formal arms embargo by the Security Council.

The participants were unanimous in their desire to alleviate the suffering which the Afghan conflict imposes on the ordinary people of that country. A number of them also shared my view that the promise of a major international effort to reconstruct Afghanistan when peace was restored could itself be an important incentive to the faction leaders to negotiate a peace settlement.

I conclude that this meeting was a useful first gathering of a group of countries that are particularly well placed to support the efforts of the

Secretary-General to carry out the mandates entrusted to him by the General Assembly and the Security Council. It is my intention to convene further informal meetings of the group from time to time.

I should be grateful if you would convey this information to the members of the General Assembly, under agenda item 39.

(Signed) Boutros BOUTROS-GHALI

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/690
S/1996/974
25 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 81
REVIEW OF THE IMPLEMENTATION OF
THE DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fifty-first year

Letter dated 25 November 1996 from the Chargé d'affaires a.i.
of the Permanent Mission of Croatia to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith an aide-mémoire from my Government concerning the Prevlaka peninsula in Croatia (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly, under agenda item 81, and of the Security Council.

(Signed) Ambassador Vladimir DROBNJAK
Chargé d'affaires, a.i.

96-33699 (E) 261196

/...

Annex

Aide-mémoire of the Republic of Croatia concerning Prevlaka, dated 25 November 1996

1. A letter from the Chargé d'affaires of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General of the United Nations, and an aide-mémoire concerning Prevlaka, were distributed as a document of the fifty-first session of the General Assembly under agenda item 81 (Review of the Implementation of the Declaration on the Strengthening of International Security), and of the Security Council (A/51/563-S/1996/864 of 14 November 1996). In a lengthy aide-mémoire the Federal Republic of Yugoslavia attempts to present a case that a part of the Prevlaka peninsula in Croatia should belong to the Federal Republic of Yugoslavia.

2. Unfortunately, the claim by the Federal Republic of Yugoslavia to a part of the territory of its neighbouring State, the Republic of Croatia, does not contribute to the "strengthening of international security". The Croatian Government will not elaborate on this counterproductive document by the Federal Republic of Yugoslavia. Instead, it will only highlight some basic facts relevant under international law concerning the Prevlaka peninsula, which is an integral part of Croatia.

3. The Prevlaka peninsula has uninterruptedly been part of Croatia since the fifteenth century through various forms of Croatia's statehood, including during the period of the Socialist Federal Republic of Yugoslavia. After gaining independence on 8 October 1991, Croatia's boundaries within the former Yugoslavia, including the boundary with the Republic of Montenegro, became "frontiers protected by international law" based on the principle of international law uti possidetis. This was explicitly determined by the Arbitration Commission of the Conference on Yugoslavia (para. 2, opinion No. 3, of 11 January 1992).

4. From the moment of Croatia's independence, first Montenegro, and then the Federal Republic of Yugoslavia, formed by Montenegro and Serbia, attempted by various means, peacefully as well as by force, to change the frontier at the southernmost end of Croatia - the Prevlaka peninsula.

5. The "Conclusions", adopted by the Parliament of Montenegro on 7 October 1991, one day prior to Croatia's independence, was the first in a series of documents in which the changing of the frontier with Croatia was proposed. Point 4 of the "Conclusions" required the delegation of Montenegro to "raise the issue of the borders between the Republic of Montenegro and the Republic of Croatia" at the Conference on Yugoslavia. This frontier was described as the "existing administrative border between the Republics of Montenegro and Croatia" and the reason stated for "raising the issue of borders" were "historic, geographic and other interests arising from the military significance and strategic position of Prevlaka and the entire Boka Kotorska Bay".

Along the lines of these "Conclusions", on 8 October 1991, the Parliament of Montenegro adopted the "Initiative for a negotiated determination of the sea and land border between the Republics of Montenegro and the Republic of

Croatia", where the argument for commencing border negotiations was that "the existing border in the area of the Prevlaka peninsula is a hindrance to the establishment of a just and rational boundary in coast waters and continental shelf, and therefore ... minor corrections are necessary" (Point 2). In the "explanation of the Initiative", which was sent to the Croatian Parliament on 12 October 1991, it is reiterated that "It is necessary to commence negotiations on a minor correction of the land border in the area of Prevlaka and Vitaljine ...".

The President of the Croatian Parliament, in his answer of 15 October 1991, rejected the idea of negotiating the frontier with Montenegro on the grounds that this issue, as requested by Montenegro, was already discussed within the Conference on Yugoslavia. The Arbitration Commission of the Conference declared its position on the matter in its Opinion No. 3 of 11 January 1992, based on a nearly 200-year-old international practice in respect of retaining of frontiers in cases involving the independence of States - the principle of uti possidetis.

6. The aggression by the Yugoslav army and the paramilitary troops from Serbia and Montenegro, which ensued in 1991 against the southernmost areas of Croatia, resulted in the occupation of the wider Dubrovnik area including the Prevlaka peninsula. This state of affairs was resolved through the Joint Declaration signed between the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia on 30 September 1992 in Geneva. It was decided that the Yugoslav army would leave Prevlaka, with security in the area to be resolved through demilitarization and through deployment of United Nations monitors. It was also agreed that the overall security for the Boka Kotorska and Dubrovnik areas was to be achieved through subsequent negotiations.

In accordance with Security Council resolution 779 (1992) of 6 October 1992, the United Nations Protection Force (UNPROFOR) assumed responsibility for supervising the complete withdrawal of the Yugoslav army from Croatia and the demilitarization of parts of the Prevlaka peninsula following the withdrawal of the Yugoslav army.

Pursuant to these documents, the Yugoslav army withdrew from this occupied area in the south of Croatia. The United Nations observers are still supervising the demilitarization of Prevlaka in accordance with further relevant Security Council resolutions. Resolution 1066 (1996) of 15 July 1996 extended the mission of the United Nations Military Observers on Prevlaka (UNMOP) until 15 January 1997.

The Joint Declaration of 30 September 1992, as well as all relevant Security Council resolutions, do not in any way question Croatia's sovereignty over the Prevlaka peninsula. Moreover, in its resolution 1066 (1996) on Prevlaka, the Security Council "reaffirmed once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia". Croatia agreed to have this part of its territory demilitarized in the interests of restoration of peace and security in the area.

The fact that Prevlaka, although demilitarized, is a part of the territory of Croatia is also supported by the border line entered into the map signed by the highest military and civil representatives of the Federal Republic of Yugoslavia in the demilitarization agreement.

7. In Dayton, in November 1995, the delegation of the Federal Republic of Yugoslavia presented to the delegation of Croatia a plan for a three-party exchange of territories, under which, inter alia, the Federal Republic of Yugoslavia would acquire parts of the Prevlaka peninsula and Croatia would receive parts of the Dubrovnik hinterland in Bosnia and Herzegovina. This offer, which was rejected by the delegation of Croatia, also proves that the Prevlaka peninsula in Croatia is indisputably Croatian territory from the viewpoint of the Federal Republic of Yugoslavia.

8. Finally, by the "Agreement on the Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia" of 23 August 1996, the two States agreed to respect each other within their international frontiers (art. 1). This means that, on the basis of the uti possidetis principle, they respect the borders they had as former republics within the dissolved Socialist Federal Republic of Yugoslavia at the moment of their respective establishment as independent States; the Republic of Croatia on 8 October 1991, and the Federal Republic of Yugoslavia on 27 April 1992.

In article 2 of the Agreement the two States confirmed that they "... shall carry out the regulation of their frontiers and the delimitation through mutual agreement ...". Since the frontiers on land have long been established they are only to be "regulated" (marked), while "delimitation" is to be carried out at sea, because the sea boundaries between the former Yugoslav republics were never determined. Once marked on land, delimitation of sea boundaries shall be carried out in accordance with relevant rules of international law.

In the Agreement, the Prevlaka peninsula is dealt with in a separate article, detached from the territorial clauses - as a security issue in the domain of "security of the part of the territory of the Republic of Croatia in the area of Dubrovnik and the part of territory of the Federal Republic of Yugoslavia in the area of Boka Kotorska Bay". The Contracting Parties undertook to settle this issue through mutual negotiations in keeping with the spirit of the Charter of the United Nations and the principle of good-neighbourliness, and agreed to respect the monitoring regime established by the United Nations until a mutual agreement is reached.

Thus, Croatia and the Federal Republic of Yugoslavia have arrived at an arrangement for satisfying the security needs of the Boka Kotorska and Dubrovnik areas centred on a part of the Prevlaka peninsula. The security of the aforementioned is subject to further negotiations. However, the Agreement does not mention Prevlaka as a territorial issue, nor, bona fide, can there be any dispute about this.

9. Croatia has always been prepared to settle all disputes with its neighbours peacefully. However, as before, Croatia shall not cede any part of its territory as a price for peaceful settlement of outstanding issues, but rather, it shall defend its territory by all means available to all States equally under international law. In this regard, Croatia is fully confident that it has the support of the entire international community; support based on the principal provisions of the Charter of the United Nations.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/691
S/1996/976
25 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 110
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 22 November 1996 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a statement issued on 15 November 1996 by the Presidency on behalf of the European Union on the subject of Myanmar (see annex).

I would be grateful if you could have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 110 and of the Security Council.

(Signed) John H. F. CAMPBELL
Ambassador and
Permanent Representative

96-33737 (E) 261196 271196

/...

ANNEX

[Original: English and French]

Statement on Myanmar issued on 15 November 1996 by the Presidency on behalf of the European Union

Recalling the common position on Myanmar adopted by the Council on 28 October 1996, the European Union (EU) is deeply concerned by the aggression committed against Daw Aung San Suu Kyi and other National League for Democracy (NLD) leaders on Saturday, 9 November 1996.

EU holds the State Law and Order Restoration Council responsible for safeguarding the security of the NLD leaders and considers that these incidents mark a clear deterioration in the political situation.

EU calls for a full and thorough investigation and explanation of what happened on 9 November. Those responsible should be brought to justice.

EU appeals to the Government of Myanmar to exercise maximum restraint and to guarantee safety, liberty and free expression to all those undertaking normal political activities in support of democracy.

EU will monitor the situation very carefully to watch for any repetition of such acts, which would be bound to inflict further damage to Myanmar's international standing.

EU calls on the Government of Myanmar to engage without delay in a meaningful dialogue with representatives of the democratic movement as the only way to bring the country to national reconciliation.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/692
26 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 117

ADMINISTRATIVE AND BUDGETARY COORDINATION OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

Report of the Fifth Committee

Rapporteur: Mr. Igor GOUMENNY (Ukraine)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency" and to allocate it to the Fifth Committee.

2. The Committee considered the item at its 30th and 31st meetings, on 19 and 21 November 1996. Comments and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/51/SR.30 and 31).

3. For its consideration of the item, the Committee had before it the statistical report of the Administrative Committee on Coordination on the budgetary and financial situation of organizations of the United Nations system (A/51/505) and the report of the Secretary-General on accounting standards (A/51/523).

II. CONSIDERATION OF A DRAFT DECISION PROPOSED BY THE CHAIRMAN

4. At its 31st meeting, on 21 November, on the proposal of the Chairman, the Committee decided, without objection, to recommend to the General Assembly that it take note of the report of the Administrative Committee on Coordination and the report of the Secretary-General (see para. 5).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

5. The Fifth Committee recommends to the General Assembly the adoption of the following draft decision:

Administrative and budgetary coordination of the United Nations with the specialized agencies and the International Atomic Energy Agency

The General Assembly takes note of the statistical report of the Administrative Committee on Coordination on the budgetary and financial situation of organizations of the United Nations system[1] and the report of the Secretary-General on accounting standards.[2]

---

[1] A/51/505.

[2] A/51/523.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/693
25 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 40

THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Office of the United Nations of Verification in El Salvador

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolution 50/226 of 10 May 1996, by which the Assembly decided, inter alia, to establish the United Nations Office of Verification in El Salvador, to follow up implementation of pending aspects of the peace accords in El Salvador through 31 December 1996 after the expiration of the mandate of the Mission of the United Nations in El Salvador (MINUSAL).

2. As the members of the General Assembly will recall, I last submitted a report on the status of implementation of the peace accords in El Salvador on 23 April 1996 (A/50/935). Since then I have submitted an informal report to the Security Council (31 July 1996) and, on several occasions, dispatched a high-level envoy from New York to hold meetings with the President, the Frente Farabundo Martí para la Liberación Nacional (FMLN) and other key political actors and to assist the Office in the discharge of its responsibilities.

3. The present report assesses the status of implementation of the peace agreements between 1 May and 20 November 1996 as the expiration of the Office's mandate on 31 December 1996 approaches. During this period the Office has concentrated on verification of those aspects of the peace accords concerning which my report of 23 April 1996 had established that implementation was not yet complete. Besides the concluding observations, the main body of the present report is divided into six sections, on public security; human rights and the

96-33936 (E) 061296

judicial system; economic and social issues; electoral matters; technical assistance programmes; and administrative questions.

II. PUBLIC SECURITY

4. In my report of 23 April, I referred to the expectation created by the establishment of the National Council on Public Security by President Calderón Sol. Although there has been delay in the definition of its mandates and objectives, I am glad to express satisfaction that the President of the Republic has repeatedly expressed his support for the proposals that Council has presented. This development is particularly welcome given that the positions defined by the Council fall clearly within the public security doctrine established by the peace accords. In this regard, I have no doubt that the Council, following the precise instructions of the President, will act to strengthen the institutions of the public security sector through a broad restructuring that will bring greater coherence to government policies. I also look forward to the Council's concrete recommendations aimed at overcoming the most sensitive of the problems verified in the area of public security.

5. Among those problems, a persistent issue, and one that jeopardizes the institutional strengthening of the National Civil Police, remains the performance of police functions by persons who have not graduated from the National Public Security Academy and are therefore not subject to the norms established for the police. Compliance with those norms, especially those contained in the recently approved Police Career Law, which is an exemplary instrument for the professionalization of the police force, is of the utmost importance. In this context, maintaining the schedule for ending the housing of police personnel in barracks will be a particularly valid contribution to the reinforcement of the civilian character of the police force and will enhance the relationship between police and community. As recommended in my previous reports, it also remains necessary for attention to be given to the strengthening of the National Civil Police mechanisms of internal control. Measures to revitalize the office of the Inspector General of the National Civil Police, in accordance with recommendations made by international technical advisers, would allow that body to provide effective oversight of the police and thus foster a greater level of public respect for the police force.

6. I have been pleased to learn that the National Council on Public Security shares the view that preferential treatment should be given to the promotion of professional and scientific criminal investigation within the specialized divisions and departments of the National Civil Police, such as the Division for Criminal Investigation and the Department for the Investigation of Organized Crime. In the promised restructuring of the sector it should also be borne in mind that the efficacy of the police force will depend both on strict processes of selection and training of those aspiring to enter the Academy and on the permanent training, evaluation and selection of agents who are already serving in the specialized bodies of the National Civil Police.

7. The implementation of a new public security doctrine depends to a great extent on the confidence which the institutions related to public security are able to generate among the public. The Council is in a position to structure a

strategy for citizen participation compatible with the new post-war reality of the country. It is therefore to be hoped that it will work to make effective the commitment of the President of the Republic to dismantle completely the juntas de vecinos (neighbourhood groups) established to combat crime outside the existing institutional framework.

8. Finally, I should like to reiterate my gratitude to the international community for its generous cooperation with the process of strengthening the new public security institutions in El Salvador. However, while requesting that this cooperation be continued, I should also like to reiterate that, in order to be most effective, it should be undertaken in a coordinated manner so as to avoid duplication and to ensure coherence with the objectives established in the peace accords.

III. HUMAN RIGHTS AND THE JUDICIAL SYSTEM

9. In my informal report to the Security Council of 31 July 1996, I indicated that progress by the office of the National Counsel for the Defence of Human Rights in the elaboration and publication of resolutions had remained slow. In recent months advances in this area have been notable, and have led to the hope that they will be complemented by a mechanism that is able to monitor compliance with the resolutions of the office of the National Counsel. For this to be achieved, it is important that, as I have mentioned on previous occasions, the office of the National Counsel should be able to act in coordination with, and in a manner complementary to, other state bodies. It is also to be hoped that other government officials will take pains to understand the legitimacy and relevance of this institution for the strengthening of the rule of law.

10. During the reporting period two important initiatives related to the development of internal mechanisms for the protection and promotion of human rights have become concrete. One of these was an agreement signed on 16 July between the National Counsel and the Minister for Public Security to coordinate the action of the office of the National Counsel and the National Civil Police in situations where social tensions might give rise to violence. It is to be hoped that the institutions bound by this agreement will make every effort to ensure that it is effective. In addition, the office of the National Counsel, with the support of international cooperation, is now able to form a unit specializing in public security, which should greatly aid the National Counsel's efforts in this area.

11. The peace accords provided El Salvador with exemplary instruments with which to oversee the action of the State and control possible abuses of power, the most notable among them being the office of the National Counsel for the Defence of Human Rights. However, this key institution continues to be hampered in its development by inadequate funding. I therefore urge the Government to provide the office of the National Counsel with the budgetary resources necessary for it to carry out its important responsibilities. The provision of such resources would represent a clear demonstration of the repeatedly expressed will of the Government to ensure the effectiveness of the instruments for the consolidation of democracy created by the peace accords. These issues continue to be followed, with the highest expectations, by the international community.

12. The process of approving constitutional and legal reforms has been one of the areas in which the most significant advances have been verified in the reporting period. In my informal report to the Security Council, I expressed my satisfaction with the achievement of a broad political consensus that allowed for the ratification of various articles of the Constitution and the reformulation of others by the Legislative Assembly. I am pleased to report that this same positive political attitude appears likely to permit approval of the new Criminal Procedures Code in the near future, a development that will contribute substantially to the modernization of the administration of justice in El Salvador. With this new legislation the parties will have complied with some important pending recommendations of the Commission on the Truth. However, reforms in the area of criminal law will not be complete until the new Criminal Code and Penitentiary Law (a measure that will provide some solutions to the still difficult situation in the country's prisons) have been approved. In view of the advances in this area, it is to be hoped that, before the end of the mandate of the present legislature, full compliance with the outstanding recommendations of the Commission on the Truth will be achieved. Similarly, approval by the Assembly of the law of constitutional procedure, the organic law of the judicial system and the new military criminal codes is still pending.

13. The entry into force of the new criminal legislation has been subjected to a vacatio legis of sufficient length to allow for measures to be taken in the meantime to train those responsible for its implementation and to prepare the necessary infrastructure. The success of the reforms will depend to a great extent on progress in the vetting (depuración) of judges and judicial officials, which continues to be inadequate. There also remains a lack of coordination between judges, prosecutors and police agents. This problem, which has a detrimental effect on the functioning of the justice system as a whole, has worsened during the reporting period because of repeated confrontations between the judicial sector and the Ministry of Public Security. Improvement is imperative if public confidence in national institutions is to increase. I should like to pay tribute to the considerable efforts undertaken by the President of the Republic in this regard.

IV. ECONOMIC AND SOCIAL ISSUES

14. I am pleased to report that the land transfer programme has continued to advance at a satisfactory rate. Under the new administration of the Lands Bank, most of the technical problems encountered in the past have been overcome and progress has been registered even in the eastern part of the country, where the programme had encountered most difficulties. As at 19 November 1996, 34,413 beneficiaries (98.93 per cent of the total) had been titled, while the number of deeds reported to have been filed in the national registry had risen to 29,974. In view of this progress, it should be possible to complete the titling phase of the programme by the end of December.

15. Similarly, the campaign to distribute authenticated photocopies of pro indiviso titles (where title to a single property is issued to a group of beneficiaries) had achieved the goals established by the Government, particularly with respect to landholders and ex-combatants of FMLN.

16. However, in spite of these notable advances, some aspects of the programme may remain pending beyond the end of 1996. It will also be necessary to find a solution to minor problems that have arisen during the implementation of the programme, such as the finding of alternatives for some 600 beneficiaries who received properties of questionable legal status. The programme's statistics will also need to be consolidated and cleansed of titles that do not correspond to the programme and double titles issued to some beneficiaries. A solution to these problems will require the parties to the peace accords to search jointly for modalities that will allow for verification of completion of the different aspects of the programme.

17. The distribution of titles to beneficiaries from the armed forces has encountered some difficulties, owing to the absence of some beneficiaries from their properties and a low level of attendance by beneficiaries at the title distribution points. The filing of the titles of state properties transferred by the Salvadoran Institute for Agrarian Transformation has also been slow and will cause the programme to be extended beyond 15 December 1996, the date envisaged for its completion.

18. Uncertainty about the future of the land transfer programme has increased among beneficiaries following the confusion that accompanied the approval of Decree 699, the law for the restructuring of the agrarian debt, and the Government's proposal to divide properties transferred in a single block, pro indiviso, into individual parcels, beginning in 1997. In order to help resolve this situation the United Nations Office of Verification has been asked to identify all properties under the programme which, according to legislative decree, are exempt from debt, so that the original pro indiviso titles may be transferred without further delay. A mechanism for the distribution of titles similarly free of debt should be adopted by the Lands Bank, if efforts currently under way to eliminate the need for immediate payment (pronto pago) of the portion of the debt of programme beneficiaries not forgiven by the law prove successful.

19. The transfer of lands in excess of the constitutional limit of 245 hectares to landless peasants has experienced some advances in recent months, particularly with respect to the technical and legal revision of cases brought by peasant organizations to the Joint National Group for 245 Hectares. However, there is a need to proceed promptly to the transfer of those lands whose excess has already been identified by the Group in order to fulfil both constitutional requirements and the commitment undertaken in the peace accords.

20. The transfer of the productive and social infrastructure of rural human settlements, as well as their housing, to their current occupants remains a complicated undertaking that requires continued efforts from all involved parties, including the affected communities. In recent months this programme has suffered significant delays in its operational aspects. The phase of measuring and legalization of properties, whose conclusion was foreseen for the beginning of October, has still not been completed. The transfer of only a minimal number of properties has been negotiated with their respective landowners. This disappointing rate of progress is in spite of the fact that the trilateral working group was able to establish agreements that allowed for negotiations to advance even with those landowners who had asked for severely

inflated prices. Meanwhile, the payment for and distribution of property titles (escrituraciones) of the few properties successfully negotiated between July and September has come to a halt. This situation could adversely affect the programme as a whole and delay its completion until an undetermined date in 1997.

21. In parallel with the operational phase of the programme, the parties have yet to reach an accord on fundamental issues relating to the transfer of the social and productive infrastructure. There have been no advances in the dialogue between the communities and the Government authorities regarding the transfer to the latter of the schools and health clinics in the settlements, while the legal conditions necessary to transfer the productive infrastructure have yet to be determined. The persistence of these problems could compromise still further the satisfactory completion of this programme.

22. There also remains a potentially destabilizing situation with respect to some 14,000 family members of combatants killed during the conflict who have still not been able to present to Government authorities the documentation required to secure benefits from the Fund for the Protection of the War-Wounded and Disabled. However, I am pleased to report that after an impasse of some months, the Attorney-General, on the initiative of an inter-institutional group convened by the United Nations Office of Verification in July, has drawn up a draft project designed to offer legal support to this sector of the population so as to help family members obtain the requisite documentation. The inter-institutional group is currently analysing possible alternatives to the project designed by the Attorney-General, as well as the different methods by which each of the institutions involved might contribute to its funding. In view of the extensive delays already suffered by this programme, it is important that the Government redouble its efforts, financial and operational, to resolve the situation of the family members, many of whom have been left in very precarious financial circumstances.

V. ELECTORAL MATTERS

23. On a number of occasions I have informed the members of the General Assembly and Security Council of the delays encountered in the implementation of the recommendations of the inter-party Commission appointed by the President in November 1994 to examine the question of electoral reform (see, for example, A/50/935, para. 25). The implementation of those recommendations, which included the creation of a national civil register responsible for issuing a single identity and voter card, the introduction of residential voting, and the introduction of proportional representation in the municipal councils, would constitute a significant advance in El Salvador's electoral system. Enhanced confidence in the electoral process, which was an important objective of the reforms recommended by the inter-party Commission, is a vital component in the consolidation of El Salvador's transition to democracy. It is to be hoped that the 1999 presidential elections will be able to benefit from an electoral system reformed in accordance with those recommendations.

VI. TECHNICAL ASSISTANCE PROGRAMMES

24. The provision of appropriate technical assistance to strengthen national institutions in support of the peace process as a whole assumes central importance as the end of the mandate of the United Nations Office of Verification approaches. The United Nations Development Programme (UNDP), working in close collaboration with the Office and in consultation with the beneficiary organizations, has formulated and put into execution technical assistance programmes in the areas of administration of justice; public security; the reintegration of former combatants and demobilized soldiers; the Fund for the Protection of the War-Wounded and Disabled; the protection of human rights; and democratic participation. During the final three months of 1996 a further nine programmes will be initiated. To date, Denmark, Mexico, the Netherlands, Norway, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, the European Union and UNDP have approved resources for projects totalling US$ 12.2 million, while approval of a further $2.8 million is expected shortly. These amounts are in addition to the human resources provided by these and other countries.

25. As I reported to the Security Council on 31 July, I have entrusted to UNDP the important task of supporting the consolidation of the peace process through the identification of assistance needs, the mobilization of resources from bilateral and multilateral donors and the execution and supervision of projects. I shall continue to rely on UNDP and the Resident Coordinator, as well as on the other agencies, offices and programmes of the United Nations system active in El Salvador, to cooperate closely with the Organization's efforts as verification of the peace accords approaches its conclusion.

VII. ADMINISTRATIVE ASPECTS

26. At the time of its establishment on 1 May 1996, the United Nations Office of Verification consisted of six international officials, three civilian police consultants and a reduced number of administrative staff. Throughout its mandate the Office has received administrative support, including the disbursement of funds, from UNDP. I should like to pay tribute to my Representative, Mr. Ricardo Vigil (Peru), and his staff for their efforts to further the implementation of the peace accords in El Salvador.

27. In adopting resolution 50/226, the General Assembly, on the recommendation of the Fifth Committee (A/50/951), authorized the Secretary-General to enter into commitments up to $1 million net of staff assessment ($1,135,900 gross) for the United Nations Office of Verification for the period between 1 May and 31 December 1996. I should like to reiterate my thanks to Denmark, Norway and Sweden, which continue to contribute generously to the Trust Fund for MINUSAL in support of United Nations activities in El Salvador.

VIII. OBSERVATIONS

28. Improving public security in El Salvador continues to be a matter of great concern to the authorities and people of El Salvador; the gravity of the situation in recent months has kept this issue at the centre of the national agenda. In these circumstances, and in order to ensure that the advances resulting from the peace accords continue to be consolidated, it is necessary for the different state bodies concerned with public security to assume fully their responsibilities with respect to the execution of public policy. At the same time these actions should be complemented by an adequate exercise of democratic control by the political parties represented in the Legislative Assembly. Non-governmental organizations and the media also have an important role to play in this regard.

29. Respect for human rights is one of the main factors to be taken into account in evaluating the positive transformation initiated in El Salvador by the end of the armed conflict. Consistent progress is evident, but the risk that situations could occur which would cause setbacks in this area has not been totally eliminated. Serious, systematic and massive violations of human rights are a thing of the past. The challenge now facing the country is the need to establish a binding relationship between full respect for human rights and the consolidation of democratic institutions. In this context, I am particularly concerned by the repeated death threats received by the National Counsel for the Defence of Human Rights. I trust that the competent authorities will undertake both a serious investigation to identify those responsible and appropriate measures to protect her.

30. In the light of the measures to restructure the agrarian debt contemplated by Decree 699, as well as the Government's proposal to divide pro indiviso properties into parcels in the coming year (see para. 18 above), efforts should be made by the authorities to provide beneficiaries with original titles, free of debt. This measure would guarantee beneficiaries full legal security over their properties. In addition, I urge the Government to maintain active all the working groups currently in operation in the social and economic areas and provide the financing necessary to guarantee the full implementation of the remaining aspects of the respective peace accords.

31. The programme for rural human settlements continues to make slow progress, principally because of the complexity of the problems that remain to be resolved. I urge all the entities concerned to act with flexibility and creativity to end the situation of legal uncertainty in which the beneficiaries of the programme find themselves, and thus prevent the exacerbation of social tension in areas of the country which were most affected by the past conflict.

32. The implementation of the commitments undertaken by the parties to the peace accords is entering its final phase. I therefore take this opportunity to reiterate my admiration of the unflagging efforts of President Calderón Sol, the parties to the peace accords and the Salvadoran people to achieve and consolidate peace. The process that began with the conclusion of the armed conflict is today internationally recognized as exemplary.

33. From the beginning of this process the United Nations assumed the responsibility entrusted to it by the parties to verify full implementation of the peace accords. In view of the progress achieved during the past five years and of consultations with the parties, I recommend that the responsibilities of verification and good offices entrusted to the United Nations be executed through periodic visits to El Salvador by a high-level envoy from New York. I therefore propose to withdraw my Representative in El Salvador at the conclusion of the mandate of the United Nations Office of Verification on 31 December 1996.

34. The envoy's visits to El Salvador will enable her or him to keep me regularly informed of advances in those areas of the peace accords in which elements have still to be fully implemented and of the further development of institutions which have been created by the peace accords or have resulted from measures taken in concert with them. The envoy will be assisted in the discharge of these responsibilities by a small support unit that will remain in the field, with the administrative support of UNDP, for a period of six months, at the end of which I would present to the General Assembly an assessment of the state of the peace process in El Salvador.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/694
26 November 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 24 (c)

LAW OF THE SEA: LARGE-SCALE PELAGIC DRIFT-NET FISHING AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS; UNAUTHORIZED FISHING IN ZONES OF NATIONAL JURISDICTION AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS; AND FISHERIES BY-CATCH AND DISCARDS AND THEIR IMPACT ON THE SUSTAINABLE USE OF THE WORLD'S LIVING MARINE RESOURCES

Letter dated 18 November 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to an unfounded allegation made by Greenpeace that Korean vessels are engaged in draft-net fishing in the Mediterranean Sea contained in your report on "Law of the sea: large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources" (A/51/404).

In paragraph 39 of the report, reference is made to a Greenpeace report which refers to an Italian Government report alleging that Korean vessels are "currently using high seas drift-nets in the Mediterranean Sea".

The Government of the Republic of Korea has taken all necessary measures to suspend drift-net fishing operations by Korean vessels on the high seas since 1 January 1993, including the revocation of fishing licences, in compliance with General Assembly resolutions 44/225 of 22 December 1989, 45/197 of 21 December 1990 and 46/215 of 20 December 1991. At considerable financial and social cost, the Korean Government has taken measures to scrap all remaining 139 drift-net fishing vessels and to retrain fishermen for alternative employment.

In the light of the fact that the Government of the Republic of Korea has faithfully implemented all General Assembly resolutions relevant to drift-net fishing, the inclusion of this unsubstantiated information in the above-mentioned report is regrettable.

I would like to take this opportunity to confirm to you that no vessels of the Republic of Korea are currently engaged in drift-net fishing operations on the high seas.

I should be grateful if you could circulate the text of the present letter as a document of the fifty-first session of the General Assembly, under agenda item 24 (c).

(Signed) PARK Soo Gil
Permanent Representative

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/695
S/1996/998
26 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 40
THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT
OF A FIRM AND LASTING PEACE AND
PROGRESS IN FASHIONING A REGION
OF PEACE, FREEDOM, DEMOCRACY AND
DEVELOPMENT

SECURITY COUNCIL
Fifty-first year

United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 50/220 of 3 April 1996, in which the Assembly decided to authorize the renewal of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) for a further period of 9 months and 13 days, that is until 31 December 1996, and requested me, inter alia, to keep the Assembly fully informed of the implementation of the resolution.

2. Since my last report on the activities of MINUGUA (A/50/881), the peace process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) has made considerable headway. I have reported on a regular basis to the General Assembly on this progress, in particular in my latest report on the situation in Central America, which covered developments until September 1996 (A/51/338, paras. 31-39). In that report, I stressed the importance of the agreement on social and economic aspects and the agrarian situation, signed at Mexico City on 6 May 1996. Another major agreement was signed at Mexico City on 19 September 1996 namely the agreement on the strengthening of Civilian Power and on the role of the armed forces in a democratic society (A/51/410-S/1996/853, annex). It contains a comprehensive set of provisions for the strengthening of democratic institutions in Guatemala, including the executive branch, the legislature and the judiciary. In the context of ending 35 years of armed conflict, it emphasizes in particular the

need to overhaul the security functions of the State: under a reformed Constitution, the police are to be restructured, strengthened and consolidated in a new National Civil Police, which will assume responsibility for internal security; intelligence gathering activities are to be reorganized and regulated; and the army will limit its role to external defence and will adjust its doctrine, training, deployment, size and budget accordingly. The signing of the agreement has opened the way for the final phase of the negotiations, namely the consideration of the cluster of so-called "operative" issues, which include the definitive ceasefire, the reinsertion of URNG and the timetable for implementation and verification of the peace agreements.

3. In late October, as consideration of these issues began, the negotiating process was shaken by the news that a senior field commander of one of the four factions which make up URNG had been involved in the kidnapping of an elderly woman in Guatemala City. In addition to being a serious violation of the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I), this action was in stark contradiction with the spirit that had characterized the peace process throughout the year and with the confidence-building measures pledged by both sides. The incident affected the process all the more severely as there is widespread outrage in Guatemala at the wave of kidnappings that has afflicted the country in recent months. On 29 October, in a public statement, I deplored the incident and its damaging consequences for the negotiating process and I called upon URNG to take the action necessary to restore conditions in which a final peace agreement could promptly be reached. Between 30 October and 7 November, the URNG leadership issued several public statements in which it acknowledged and lamented the involvement of URNG members in the kidnapping; offered, as a confidence-building measure, to suspend all armed propaganda activities and other acts that could affect the peace process; proposed that negotiations resume with priority being given to the negotiation of the definitive ceasefire; and announced that the leader of the faction to which the kidnapper had belonged would withdraw from the negotiating table. As a result, negotiations resumed at Mexico City on 9 November and the parties quickly reached an understanding about the substantive provisions of the agreement on the definitive ceasefire.

4. In view of the progress made, the two parties confirmed on 11 November that, as they had stated on 6 August, conditions existed to reach agreement on all pending items of the negotiating agenda by the end of December 1996. Specifically, they agreed to sign the agreement on a firm and lasting peace at Guatemala City on 29 December 1996. They have since adopted the following schedule for the signing of the remaining agreements: the agreement on the definitive ceasefire is to be signed at Oslo on 4 December 1996; the agreement on constitutional reforms and the electoral regime is to be signed at Stockholm on 7 December 1996; and the agreement on a basis for the reintegration of URNG into political life is to be signed at Madrid on 12 December 1996. The agreement on the timetable for the implementation and verification of the peace accords will be signed in Guatemala City on 29 December 1996 together with the agreement on a firm and lasting peace.

5. The progress made at the negotiating table has been accompanied by tangible progress in compliance with the Comprehensive Agreement on Human Rights. MINUGUA's fifth report (A/50/1006 of 19 July 1996) covered human rights

verification and institution-building activities from 1 January to 30 June 1996. Its sixth report, covering the period from 1 July to 31 December 1996, will be issued in January 1997. MINUGUA has observed that since the informal cessation of military activities by the parties in late March 1996, there have been no military or civilian casualties related to the armed confrontation. In the context of this de facto cessation of the war and progress at the negotiating table, the Government has started a programme to disarm and demobilize the paramilitary "Voluntary Civil Defence Committees". Under the provisions of the agreement on the strengthening of civilian power and on the role of the armed forces in a democratic society, that programme is to be completed 30 days after the signing of the final peace agreement. It is also significant that during its first year in power the Government has made a major effort to combat crime, corruption and impunity and has removed from office or sanctioned a number of high-ranking officials who appeared to be involved in criminal activities.

6. While these initiatives demonstrate the Government's firm decision to fight impunity, they have also drawn attention to the gravity of the problem and the magnitude of the effort required to correct long-standing deficiencies in institutions entrusted with preventing, investigating, prosecuting and punishing crime and human rights abuses. In a situation in which respect for human rights is still precarious, the continuing efforts of President Alvaro Arzú's Government are to be commended and should receive full support from the international community.

7. The role of MINUGUA has evolved with the positive changes registered in Guatemala. Verification of complaints received has revealed specific weaknesses in the areas of the administration of justice and law enforcement and pointed to the need to strengthen the relevant institutions. Thus, the Mission has placed increasing emphasis on its institution-building role. In particular, there has been significant progress in pilot projects to improve the efficiency of, and access to, the administration of justice. Progress has also been made in assisting the legislative reform of the judicial system, which is to be implemented in 1997. The demand for participation in institution-building activities by non-governmental organizations has steadily increased. There continues to be very positive cooperation between the Joint Unit of MINUGUA and the United Nations Development Programme (UNDP) and the institutions and entities concerned. With its verification activities, its technical assistance and its nationwide deployment, MINUGUA has continued to be a key factor in the peace process throughout 1996.

8. Under the terms of section I of General Assembly resolution 50/216 of 23 December 1995, the Secretary-General had been authorized to enter into commitments in an amount not exceeding a monthly level of US$ 2,329,700 (net of staff assessment) in the event of an extension of MINUGUA beyond 31 March 1996. The total commitment thus authorized by the General Assembly for MINUGUA during its current period, between 1 April and 31 December 1996, amounts to $20,967,300 net ($22,704,800 gross).

9. As mentioned in paragraph 4 above, the parties have announced that the final peace agreement will be signed on 29 December 1996. On that day, the full package of peace accords will enter into force. This will represent a major challenge for the parties, in particular for the Government, which has most of

the responsibility for implementation. It will also represent a challenge to the United Nations, which was requested by the parties to the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca of 10 January 1994 (A/49/61-S/1994/53, annex) and all subsequent agreements to carry out international verification of the peace accords. The international community will also be called upon to assist the parties in complying with their undertakings. The Secretariat and MINUGUA have been studying how verification can be most effectively carried out. Final recommendations regarding the mandate and structure of the verification mission cannot, however, be completed until all agreements, and in particular the agreement on the timetable for implementation and verification, have been signed.

10. As the package of peace agreements is not expected to be finalized until late December and the current mandate of MINUGUA expires on 31 December 1996, I recommend to the General Assembly that the mandate be extended for a further period of three months, that is, until 31 March 1997, during which time the Mission should be maintained at its current strength. This will allow time for the preparation of detailed recommendations on how the structure and staffing of MINUGUA should be redesigned to enable the Mission to fulfil its new responsibilities.

11. As regards the Mission's tasks, it is anticipated that the future agreement on the timetable for implementation and verification of the peace accords will provide for a number of urgent measures of implementation to be taken before 31 March 1997. These will fall outside the current mandate of MINUGUA, which relates exclusively to the implementation of the Comprehensive Agreement on Human Rights and the human rights aspects of the agreement on identity and rights of indigenous peoples. With the consent of both parties, I recommend that MINUGUA be authorized, on an exceptional basis, to verify implementation of all such urgent measures during this three-month period within its existing capabilities.

12. Verification of measures related to the agreement on the definitive ceasefire will also be required very soon after signature of the overall package of peace accords. This will involve the deployment of United Nations military personnel to verify the ceasefire, the separation of forces and the demobilization of URNG combatants.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/696
S/1996/982
27 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 22 November 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter dated 21 November 1996, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex, which contains a letter of His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, dated 12 November 1996, sent to Mr. Glafcos Clerides, the leader of the Greek Cypriot Community, could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

ANNEX

Letter dated 21 November 1996 from Mr. Osman Ertuğ
addressed to the Secretary-General

I have the honour to enclose herewith the text of a letter dated 12 November 1996 addressed by His Excellency Mr. Rauf Denktaş, President of the Turkish Republic of Northern Cyprus, to Mr. Glafcos Clerides, the leader of the Greek Cypriot community (see appendix), in response to a letter from Mr. Clerides dated 22 October 1996.

I shall be grateful if the text of the present letter and its appendix could be circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Letter dated 12 November 1996 from Mr. Rauf Denktaş addressed to Mr. Glafcos Clerides

Since we cannot meet, owing to your insistence that we do not yet have "common ground" for agreement, I suggest that we use this remaining channel for dialogue more responsibly and constructively.

In this spirit, please allow me to touch briefly upon a few points that you raised in your letter of 22 October 1996 before I move to a few constructive suggestions that may help us in reversing the cycle of escalation on the island that, I believe, is damaging the vital interests of both our communities.

A. The death of Petros Kakoullis

I have delayed answering your letter of 22 October until today in the expectation of a full report on the death of Petros Kakoullis, in view of your serious accusation that "a local family man who was out, in the fields after rain collecting snails and who was shot three times by Turkish soldiers, the last shot was fired at him while lying on the ground mortally wounded".

Your conclusion that "the Turkish Cypriot leadership and the Turkish Government" issued orders "to shoot and kill Greek Cypriots who enter the buffer zone or the area under Turkish control" is of course a far-fetched propaganda ploy that does not merit serious consideration. As I pointed out to you in my letter of 22 September 1996, your Minister of Defence Mr. Aloneftis is on record as saying that it is your side that has such standing orders. I quote him again as a reminder: "The National Guard is under orders to fire at anyone who enters the buffer zone and this order is to be implemented at all times."

If no Turkish Cypriots have been killed recently by your side (except for the brutal murder - as confessed to by its "Commando" organizers on your side - of one of our soldiers and the wounding of another, not in the buffer zone but while at their post in Güvercinlik) it is because no Turkish Cypriot has trespassed into your military areas and tried to escape when asked to stop and identify himself. What is necessary is that both sides should help the United Nations Peacekeeping Force in Cyprus (UNFICYP) to arrange an agreed code of conduct and that your side's standing order to shoot to kill be rescinded forthwith. In this context we have already informed UNFICYP that we are eager to cooperate on unmanning, etc., knowing well that nothing of this nature would be needed if only your authorities stopped the provocative and disruptive demonstrations at our borders.

Now that I have received a full report from our authorities on the Kakoullis case, I should like to make the following observations and corrections on your presentation of facts:

1. Mr. Kakoullis apparently needed a commando strangulation chain and military dagger in order to collect snails! This "family man" was one of your

trusted "militia" who, back in 1963-1964, while in uniform, had taken part in the murder of several Turkish Cypriots. Photographs in Greek dailies project him as one of the "heroes" of the day, with his fellow colleagues, posing happily over the dead bodies of several Turkish Cypriots. That may be the reason why he did not stop to identify himself when asked to do so. The discovery on his person of instruments of murder coupled with his past "heroism" would have been extremely embarrassing for him!

2. I was sorry, but not surprised, to see that you followed the footsteps of your propagandists and thought fit to refer to the Turkish Cypriot soldiers involved in the shooting of Mr. Kakoullis as "Turkish soldiers", knowing well that Turkish soldiers were not involved in any of the cases which you have listed in your letter, let alone the Kakoullis case.

3. I have examined the post-mortem reports and had the pathologist on our side questioned again in order to find out whether your allegation that "Kakoullis was fired upon while lying on the ground mortally wounded" could be sustained. The post-mortem examination supports our soldiers' statement that Kakoullis was shot from quite a distance and that our soldiers could not approach him closely in view of a pool of mud between them.

In view of your side's reluctance to agree to cooperate with the Turkish Cypriot police and our Attorney-General in the north, big loopholes are left in all the investigations of incidents at the borders. I propose that we agree to cooperate directly on these matters under the auspices of United Nations officers. It should not be impossible to agree that in such events the police, on either side, should immediately take action jointly, exchanging information and evidence, giving each other the chance to be present at post-mortem examinations and having joint tests on ballistics, fingerprints etc., so that no room is left for any culprit to go free.

As this will be the procedure when it is hoped we will reach a settlement, I see no reason why we should not let our authorities start such cooperation from now. This would not in any way be an infringement on each other's political stand as it will be done "as a matter of intercommunal accord" and not as "an agreement between the two States". You will remember that I had called for a similar agreement on non-aggression several times, which, I still believe, would be a great contribution to lessening the tension on both sides. It must be clear to all of us who have lived in Cyprus since the 1960s that it is not possible to solve the Cyprus questions through the use of force and that the only way out is for both sides to agree to a modus vivendi of safe and secure coexistence, side by side, in a bicommunal and bizonal set-up, as agreed in 1977 and 1979.

B. <u>The need to look forward and to share sorrow</u>

The final paragraph of my letter of 22 September 1996 to you (A/51/500-S/1996/854, annex, appendix) read:

"In the light of the above, and in view of the fact that, before too late, we have to reverse the present dangerous trend of escalation, please

let us know, openly and sincerely and as early as possible, how you see any future settlement so that we can evaluate our position correctly."

I was sorry to see no reference in your last letter to this forward-looking offer, which was more directed at pointing your finger at the Turkish side, forgetting that while doing so three of your fingers point at your good self.

I repeat, in all sincerity, that I regret and I feel very sorry (and I have made statements to this end on the radio and television and to the newspapers) each time young people have been killed on either side, contrary to your assertion that I have not done so. What is regrettable is the fact that the Greek Cypriot side refuses to recognize the reality that none of these would have happened had the Greek Cypriot leadership not set afoot, back in 1963, a plan of military action for (in your own words) "converting the partnership State into a Greek Cypriot State". That we have had this anomalous life for 33 years is owing to your insistence to impose upon your Turkish Cypriot co-founder partner of the defunct Republic of 1960, your political will from the seat of government in the south under a misnamed title called "the Government of Cyprus"! Since we are talking (or should be talking) of how to re-establish the destroyed partnership State (this time under the agreed terms of a bizonal settlement) - and in your letter under reference you quote your statement to the United Nations General Assembly confirming that you stand for such a settlement - I see no reason whatsoever why we should not be able to come to ad hoc arrangements on matters like unmanning: cooperation between our respective authorities on serious incidents involving both sides; an agreement to return immediately anyone who absconds to the other side; cooperation on pressing environmental planning and management issues; and the lifting of obstacles on business and sports between the two sides, all of which could be instrumental in reducing the tension on the island.

I am sure it is obvious to all persons living in the south that the economic, social and political isolation imposed upon us has been counter-productive as this treatment has helped us to get stronger on our feet and to find adequate alternatives for self-existence, all of which help to consolidate and give permanence to the division of the island. Your last attempt to enter the European Union unilaterally, in utter contravention and defiance of the rule of law will, of course, complete this cycle of events and will divide the island for good. There is no way of forcing us to enter into the European Union under your conditions. Cyprus has to reunite first, and for that to happen it is necessary that our vested rights as a politically equal partner, that our right in the sovereignty of Cyprus, and that the continuation of the 1960 guarantee system, be recognized.

C. Greek Cypriot militia along the borders

I thank you for your efforts to pacify the Avgorou area. As to your statement that all your militia have been issued with arms, ammunition and uniform, all that I can say is that this action does not enhance the "culture of peace" and reconciliation, which is what Cyprus needs, but on the contrary keeps "the kettle of war" on the boil and feeds animosity rather than friendship. That the militia has not attacked any Turkish Cypriot or any Turk from Turkey is

no consolation for anyone because the fact is that no Turkish Cypriot or Turk from Turkey has tried to trespass into your prohibited military areas. I still wonder how you will deal with the "monsters" and militias in the south when they become (and they are becoming) self-propelling and start challenging central authority. This has unfortunately been the case in the so-called 'motorcyclists' peaceful demonstration" during August 1996.

D. Political will

Your allegation that there is no political will on the Turkish Cypriot side to resolve the Cyprus question is regrettable. You will remember that I was unjustly depicted, by the Greek Cypriot press, all through the years of 1968 to 1974 (while talking with you for a settlement) as "intransigent" and as "not having the political will to settle the Cyprus question", while you well knew that I was making all the concessions needed for a settlement except (a) the co-founder partner status of my people (we refused to become a protected minority in a Greek Cypriot Republic as you had set out to make us), and (b) the Guarantee System of 1960 (which was and is absolutely vital for our self-preservation as a co-founder partner of the future set-up as well as for the self-preservation of the independence of Cyprus).

In your memoirs, My Deposition, volume 3, page 206, you confirm this fact in the following words:

> "The decision of Makarios of 12 December 1972 not to compromise, after the concessions the Turkish side had made, sealed his fate and that of Cyprus. The die was cast and the worst followed."

On the same point Mr. Michael Dekleris, the constitutional expert from Greece, who together with his Turkish counterpart, Professor Aldikaçti, joined us in the enlarged intercommunal negotiations in 1972, is quoted in a Fileleftheros report of 6 October 1996 as having said that:

> "In his [Rauf Denktaş's] youthful days he had a reputation of being an extremist, but when I knew him he was a realist, a moderate man at the negotiating table. His attitude was that of a man who seriously wanted and pursued an agreement. I lived and negotiated with this man for two and a half years and I can say that during that period he behaved in a responsible and moderate manner."

In spite of these, my reputation as an "intransigent negotiator" unfortunately stuck, thanks to the Greek Cypriot propaganda machine.

You know very well that on the very day you unjustifiably managed to extract from the United Nations Secretary-General the statement to the effect that we "lacked political will", etc., we had already agreed with Mr. Gustave Feissel on the modalities for the implementation of the package of confidence-building measures, but the Secretary-General, for reasons not clear to us, did not correct his report until after you were able to use it against us for quite some time. Although this misrepresentation was later corrected by the Secretary-General on 28 June 1994 (S/1994/785) it is most regrettable that the

wrong report is still circulated by your propaganda machine all over the world. You also forget to mention that it is not I who politely "misused" the Secretary-General's invitation to us on 10 October 1994 (see S/1994/1229, para. 6):

> "to join him [Mr. Feissel] for a number of informal consultations at his residence with a view to exploring in a practical and concrete manner ways in which progress might be made both in respect of the implementation of the confidence-building measures and the long-contemplated overall settlement of the Cyprus problem."

While refusing the implementation of the United Nations confidence-building measures package (as foreseen in the letter of the United Nations Secretary-General of 28 June 1994 (S/1994/785)) completely, by introducing a new pre-condition in the form of European Union membership (and thus destroying the Secretary-General's agenda for us) you have ever since refused to meet and talk with the Turkish Cypriot side in spite of all promptings by the United Nations and all diplomats involved in the Cyprus case. In order to cover up your lack of political will to reach a settlement on the basis of the 1977 and 1979 high-level agreements, you have since developed the unconvincing excuse that there is not sufficient "common ground" for a settlement.

E. The events of 1963

I cannot close this section of my letter without reference to your assertion (referring to Field Marshal Lord Carver) that Turkish Cypriots forced the issue before the Greeks were ready to start their pre-planned attack on us! We knew that we were not in a position to force any issue with you because we knew that you were already fully prepared to attack us. We also knew that Turkey was not awake to this danger and had no preparation to avert it. Facts from 1963 to 1974 prove this point quite adequately. But just for the record I should like to quote below your own conclusions, as well as the conclusions of Professor Forsthoff, the President of the Supreme Constitutional Court, General George Karayiannis, the Greek Army Officer then in command of the "Cyprus Army", and Mr. Angelos Vlachos, the then Consul-General of Greece in Cyprus:

1. You conclude in your memoirs that:

> "There is no doubt that, finally, in September 1963, the Greek Cypriot leadership was steering the ship of the Republic, with Makarios at the helm, on a collision course and that the Turkish Cypriot leadership had decided on a course that would meet the collision head on."
> (My Deposition, vol. 3, p. 211)

2. Professor Forsthoff, in a statement published in the newspaper Die Welt of 27 December 1963 concluded that:

> "Makarios bears on his shoulders the sole responsibility of the recent tragic events ... His aim is to deprive the Turkish community of their rights."

3. In a statement published in the Athens-based newspaper Ethnikos Kinyx of 13 June 1965, General Karayiannis is reported to have said that:

"In August 1960 ... President Makarios decided to proceed with the following:

"A. To organize for battle the Greek Cypriots and arm them;

"B. To proceed with the revision of the Constitution, so that, with the cancellation of the Vice-President's veto, it would become possible to put the State into proper working order.

"First of all he put into operation a specially prepared scheme for organizing the Greek Cypriots for battle ...

"The organization of the Greek Cypriots for battle which was thus created and which initially bore the title 'the organization', finally took the name of the National Guard of Cyprus ..."

In another statement published in the same newspaper on 15 June 1965, General Karayiannis admitted that:

"When the Turks objected to the amendment of the constitution, Archbishop Makarios put his plan into effect and the Greek attack began in December 1963."

General Karayiannis's confessions mean that as early as August 1960, the month when the transfer of power from Britain to the new Republic took place, and before the new Constitution had been given a chance to work, President Makarios had already decided to impose, by force of arms, a revision of the Constitution on the Turkish Cypriot partner.

4. Last, but not least, Mr. Angelos Vlachos, the then Consul-General of Greece in Cyprus, in his memoirs Ten Years of the Cyprus Problem says that:

"In January 1963, without the knowledge of the Greek Government, planning exercises were carried out for three days at the Presidential Palace in Nicosia, with the objective of neutralizing the Turks ...

"In order to begin his new offensive, the Archbishop waited for Mr. Karamanlis, who had signed the Zurich/London Agreements, to be removed from power."

I believe I have said enough regarding the points that you raised in your recent letter in my effort to reflect the facts as they happened in the past. We need, however, to look with equal enthusiasm and passion into the future if we want to overcome the traumas of the past and improve the quality of life of our peoples.

I suggest, therefore, that we refrain, from now on, from indulging or involving ourselves in polemics, accusations and counter-accusations, organized events at the borders and buffer-zone violations, all of which do not help to

create an atmosphere conducive to peace and resolution. Counter-productive acts, I suggest, should be discouraged and prevented by both of us at all times.

My position is clear and I will be very frank and open about it so as not to leave any room for misunderstanding: We are one of the two co-founder peoples of the independence and sovereignty of Cyprus. Cyprus is not an exclusively Greek land, it is the homeland of both peoples who are political equals. It is as Turkish as it is Greek. It is these two peoples who will settle the Cyprus problem on the basis of equality and without interference from outside. Bizonality is one of the security elements for my people, and settlement of all property questions by exchange and/or compensation are matters of vital importance which should not be watered down under alleged universal principles. The permanence of the independence of Cyprus cannot be guaranteed if the guaranteed restrictions on the independence of Cyprus (as established in 1960) are not continued. These restrictions, to which all of us agreed in 1960, are that enosis and partition shall be prohibited, and that Cyprus cannot enter into any union in which both motherlands (Turkey and Greece - the guarantors of our independence) are not members. In other words, the balance between our two motherlands vis-à-vis Cyprus must be maintained. I know that having decided to destroy the 1960 partnership Republic in order to convert it into a Greek Cypriot Republic it was your propaganda line to inform the world (especially the non-aligned) that you were "thirsting for full independence". No one knew, as we did, that the purpose was to remove the restrictions on the independence of Cyprus and proceed to enosis. Few understood that these restrictions were necessary for preserving the bicommunal partnership independence. After reading four volumes of My Deposition, my impression is that you understood and respected the above concerns of my community.

Now, with your unilateral application for membership to the European Union, you have assumed that "the Republic of Cyprus" is no longer restricted in regard to the points referred to above and that "Cyprus" is legally able to apply for such membership. Our position on this point is quite clear. If the title of "the Government of Cyprus" has anything to do with the 1960 agreements - and clearly it has none - then under the rule of law your unilateral application is invalid and all process in that direction should be stopped pending the settlement of the Cyprus problem as provided in paragraph 92 of the United Nations set of ideas (S/24472, annex). If you claim that the title which has been usurped for 33 years has nothing to do with the 1960 agreements, namely that it represents "the Greek Cypriot Republic in the south" then, of course, this is another matter, but you should inform the European Union accordingly and not manoeuvre it to conclude that you represent a legitimate Government of all Cyprus and that Turkish Cypriots are a "minority" in the island who should be "contacted within the knowledge of the legitimate Government". In other words, you cannot argue that you are for a bizonal, bicommunal settlement while defying the vested rights of the Turkish Cypriot side to object to your unilateral application for European Union membership by ignoring the agreements in question. This attitude of yours, rest assured, will completely destroy the chances of any settlement. We have been waiting for 33 years for justice to be done and for your side to understand that we are not going to fall into such traps and abandon our vested rights as a politically equal co-founder partner of the defunct 1960 Republic, as well as of the future partnership Republic.

It would be pertinent to note here that the 1960 Treaties of Guarantee and of Alliance, which effectively protected our and Turkey's vital interests and vested rights, are not negotiable and must be accepted as a sine qua non in any future settlement.

Thirty-three years should be enough to prove to all concerned that we either settle the problem and achieve a bizonal and bicommunal unification of the island, or we stay put as two administrations and seek ways and means of peaceful coexistence, giving a chance to our respective peoples to cooperate for mutual benefit and leave it to them to find a formula for reunification once we have put an end to the present atmosphere of enmity, accusation and counter-accusation, and appreciate the fact that the island of Cyprus is the common home of both peoples and that neither one can dominate the other.

To conclude, I wish to reconfirm that we continue to be committed to the 1977 and 1979 High-level Agreements; that subject to full and sincere results-oriented negotiations we are prepared to build on the relevant parameters that have evolved, under the mission of good offices of the Secretary-General, since the High-level Agreements; that the best way forward for the benefit of our two communities, as well as Greece, Turkey and the region, is to re-establish a bicommunal and bizonal partnership based on the political and sovereign equality of our two co-founder communities; and that we need to get together as early as possible (a) to discuss and agree on measures that could help us reverse the destructive cycle of escalation; (b) to study and agree on measures that could address the deep crisis of confidence between our two communities; and (c) to discuss process and content issues regarding the long-contemplated overall settlement.

I am sure you will realize that 33 years are enough to wait for your side to stop dreaming and preparing for the Hellenization of Cyprus at our expense and that we are entitled to further our position and save ourselves from the isolation into which we have been pushed at gunpoint for three decades.

(Signed) Rauf R. DENKTAŞ

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/697
S/1996/987
27 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda items 10 and 38
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION
COOPERATION BETWEEN THE UNITED NATIONS
AND THE ORGANIZATION FOR SECURITY
AND COOPERATION IN EUROPE

SECURITY COUNCIL
Fifty-first year

Letter dated 27 November 1996 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement by the Ministry of Foreign Affairs of the Azerbaijan Republic regarding the current situation in the settlement of the Armenian-Azerbaijani conflict on the eve of the Summit of the Organization for Security and Cooperation in Europe in Lisbon, issued on 27 November 1996 (see annex).

I should be grateful if you would have the present letter and its annex urgently circulated as a document of the General Assembly, under agenda items 10 and 38, and of the Security Council.

(Signed) Eldar KOULIEV
Permanent Representative

96-34290 (E) 291196 291196

/...

ANNEX

[Original: Russian]

Statement issued on 27 November 1996 by the Ministry of Foreign Affairs of Azerbaijan

In connection with the forthcoming Summit of member countries of the Organization for Security and Cooperation in Europe (OSCE) to be held in Lisbon on 2 and 3 December 1996, the President of the Azerbaijani Republic, Heydar Aliyev, sent to the heads of State and Government of the OSCE member countries on 6 November 1996 a special statement containing an analysis of the situation with regard to the settlement of the Armenian-Azerbaijani conflict in the period since the Budapest Summit and the necessity of adopting serious decisions at the forthcoming Lisbon Summit.

The President of Azerbaijan noted the importance of incorporating in those decisions the fundamental principles on the basis of which the negotiations on the settlement of the Armenian-Azerbaijani conflict will proceed, namely, respect for the territorial integrity of the Azerbaijani Republic, the granting of broad autonomy to Nagorny Karabakh as a constituent part of the Azerbaijani Republic, and guarantees of security to the entire population of the Nagorny Karabakh region of Azerbaijan.

In their replies, which are still being received, the leaders of the United States of America, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, France, Turkey and other States commended the constructive nature of the proposals made by Azerbaijan and expressed support for the idea that the decisions of the Lisbon Summit should give serious impetus to the settlement of the Armenian-Azerbaijani conflict.

In the course of the contacts which have taken place during this period between the Azerbaijani leadership and representatives of the United States, the Russian Federation, Turkey, Germany, the United Kingdom, France, Georgia, Ukraine, Kazakstan, Finland, the Netherlands, Belgium, Greece, Norway and other States, questions concerning the preparation of the OSCE Lisbon Summit emerged as the main theme of the meetings.

The draft decisions of the forthcoming Summit were also discussed at the talks held in Helsinki from 18 to 22 November 1996 within the framework of the OSCE Minsk Group.

During these talks, pursuing the same line, the Co-Chairmen of the Minsk Conference and of the OSCE Minsk Group, in consultation with representatives of the Group's member States, made proposals based on the principles for the settlement of the conflict contained in the document submitted by the current President of the OSCE, the Minister for Foreign Affairs of Switzerland, Flavio Cotti, during his visit to the region in February 1996.

The Azerbaijani Republic, considering the proposal of the Co-Chairmen to be a basis for the continuation of work on the formulation of mutually acceptable

principles for the settlement of the conflict, has expressed its readiness to work constructively on that text and its view that the draft must be agreed in order to achieve real results.

However, the Republic of Armenia adopted an extremely negative position with regard to the Co-Chairmen's draft and virtually refused to work on it, thereby demonstrating its overt unwillingness to accept, as a basis for settling the Armenian-Azerbaijani conflict, the principles put forward by the Co-Chairmen, namely, the territorial integrity of the Azerbaijani Republic, the granting to Nagorny Karabakh of a status that would give it broad autonomy as a constituent part of the Azerbaijani Republic, and guarantees of security to the entire population of Nagorny Karabakh.

At the second stage of the preparatory meeting for the Lisbon Summit, the President of Switzerland, which holds the presidency of the OSCE for 1996, put forward a text identical to the proposal of the Co-Chairmen of the Minsk Conference for inclusion in the Summit Declaration. This indicates unequivocally that the international community intends to seek a settlement of the conflict only on the basis of respect for the principle of territorial integrity of the Azerbaijani Republic and the possibility of granting autonomy to the Nagorny Karabakh region as an integral part of the Azerbaijani Republic.

The attitude of the Republic of Armenia towards that proposal was stated at the press conference given on 25 November by Mr. Z. Liparidian, chief adviser to the President of the Republic of Armenia, who indicated that the Republic of Armenia intends to exercise its right of veto with regard to the document submitted.

In connection with that statement, the Azerbaijani side considers that the leadership of Armenia must seriously assess the possible consequences of such actions, which would signify that country's virtual opposition to the view of the international community as unambiguously expressed in that document.

The Azerbaijani Republic once again affirms its devotion to the peaceful settlement of the Armenian-Azerbaijani conflict and expresses confidence that, at the Lisbon Summit of Heads of State and Government of the OSCE, the international community will, on the basis of these fundamental principles, work out a solution that will facilitate the speedy liberation of the occupied territories and the return of the displaced persons to their homes.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/698
S/1996/988
26 November 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 39
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-first year

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 12 of General Assembly resolution 50/88 B of 19 December 1995, in which the Assembly requested the Secretary-General to report to it at its fifty-first session on the progress made in the implementation of the resolution. In the same paragraph of the resolution, the General Assembly also requested the Secretary-General to report every three months on the progress of the United Nations Special Mission to Afghanistan. Two progress reports have been submitted to the Assembly: one on 3 April 1996, covering the period from 1 January to 31 March 1996 (A/50/908); and the other on 16 July 1996, for the period from 1 April to 30 June 1996 (A/50/908/Add.1).

2. The present report is, at the same time, intended to fulfil the request contained in paragraph 14 of Security Council resolution 1076 (1996) of 22 October 1996.

3. The present report describes the main events which have taken place in Afghanistan since the adoption of General Assembly resolution 50/88 B, including the activities of the Special Mission. Special attention has been given to the period between July and November 1996, when Afghanistan witnessed yet another round of upheavals with significant implications for its future and for the United Nations peacemaking efforts.

4. On 7 July 1996, I appointed Mr. Norbert Heinrich Holl as head of the United Nations Special Mission to Afghanistan to replace Mr. Mahmoud Mestiri, who had resigned at the end of May for health reasons.

II. RECENT DEVELOPMENTS IN AFGHANISTAN

Military developments

5. Until the beginning of September 1996, control of Afghanistan remained divided between a number of groupings. The Government forces of Mr. Burhanuddin Rabbani and his chief military commander Mr. Ahmad Shah Masoud controlled Kabul and five adjacent provinces in the north-east. General Abdul Rashid Dostum and his allies in the Supreme Coordination Council controlled six provinces in the north. The Hezb-i-Wahdat of Mr. Abdul Karim Khalili, a member of the Council, controlled the central regional province of Bamyan and parts of Ghor. The Eastern Zone Shura led by Governor Hajji Abdul Qadir, which was independent of the other factions and claimed neutrality between them, controlled the provinces of Nangarhar, Laghman and Kunar. The Taliban movement controlled 14 provinces in the south and west and in geographical terms was the most significant of the factions.

6. Although the rest of Afghanistan remained relatively calm, fighting continued around Kabul between the forces of the Government and the Taliban, who were close to the outskirts of the city. The fighting involved the use of rockets, missiles and occasional aerial bombardment by each side of the other's positions. Civilian casualties and material damage in Kabul were heavy at times. The main supply road to Kabul from Jalalabad through Sarobi was often blocked, causing shortages of food and fuel in Kabul. The main road from Mazar-i-Sharif in the north through the Salang Tunnel also remained closed for most of this period, despite the undeclared ceasefire between the Government and the Supreme Coordination Council forces south of the Salang Pass.

7. The general calm in the north under General Dostum was briefly disturbed by the death, in an ambush in Mazar-i-Sharif on 25 June 1996, of General Rasul Pahlawan, deputy to General Dostum and head of the armed forces of the National Islamic Movement of Afghanistan (NIMA) led by General Dostum. Clashes were reported between the supporters of General Dostum and General Pahlawan in the period immediately following the latter's death. The situation was soon brought under control and calm gradually returned to the area.

8. Dramatic changes, however, began at the beginning of September when the Taliban, advancing from Azra town in Logar province, attacked the Nangarhar forces under Governor Hajji Abdul Qadir, which were defending the strategic town of Hasarak, some 70 kilometres south-west of Jalalabad. After several hours of what was described as heavy fighting involving the use of fighter planes, artillery and tanks, the Taliban forces claimed victory. The Nangarhar forces withdrew, claiming to have suffered heavy casualties and requesting the International Committee of the Red Cross to assist in the evacuation of the dead and wounded to a hospital in Jalalabad. Hajii Qadir and some members of his Shura fled from Jalalabad to Peshawar in Pakistan. Others either changed sides or went into hiding. Subsequent reports suggested that the fighting was less intense than initially reported and that the Taliban's advance was largely due to the defending forces' reluctance to resist it.

9. On the following day, 11 September, the Taliban captured Jalalabad, putting an end to the four-year-old multi-party Shura of Nangarhar, Laghman and Kunar. Again initial reports seem to have exaggerated the intensity of the fighting, though the Kabul Government used aerial bombardment in an effort to prevent the Taliban from taking the city.

10. I issued a statement on 12 September expressing grave concern at the escalation of hostilities and the bombing of Jalalabad, which especially endangered the large population of internally displaced persons camped in the area. The spread of fighting to Nangarhar was also of concern as the Special Mission's headquarters were located in Jalalabad precisely because of the city's neutrality. I was obliged to instruct the head of the Mission to move his headquarters back to Islamabad as a temporary measure, until conditions permitted its relocation to Kabul.

11. After taking Jalalabad, the Taliban began to move against Sarobi on the road from Jalalabad to Kabul and captured it on 24 September. At the same time, they moved northwards towards Bagram airport, which had become the only airport available to the Kabul Government, Badakshan province and its capital Fayzabad. The situation in Kabul became tense and its security precarious as government forces fell into disarray. On 26 September, I ordered the evacuation of all non-essential United Nations staff, leaving only three international staff members in the capital. Many non-governmental organizations and foreign embassies also evacuated their staff from Kabul at this time. The head of the Special Mission issued a statement on 25 September appealing to the warring factions to cease all hostilities and to pursue negotiations under the auspices of the United Nations. He also called on those countries with influence in Afghanistan to persuade the warring factions to abandon the course of war and to search for peace in a spirit of reconciliation and mutual accommodation.

12. The Taliban forces entered Kabul in the early morning of 27 September and immediately took control of the city without perceptible resistance from the government forces which had largely withdrawn during the previous night. A six-member interim Council was formed under the leadership of Mullah Mohammed Rabbani to take charge of Kabul. The Taliban rigorously imposed the Shariah Islamic law on the Kabul population as they had done previously in other areas under their control. I issued a statement on 7 October 1996 expressing concern about the ability of the United Nations to continue its humanitarian and developmental work given some of the constraints imposed by the new regime in Kabul.

13. The Taliban pursued their military advance northwards from Kabul. A few days later they captured Charikar, followed by Bagram airport, and the strategic town of Jabal-os-Siraj at the foot of the Salang Pass, which put them face-to-face with the forces of General Dostum south of the Salang Tunnel. They also captured Gulbahar, a town at the entrance of the Panjshir valley, the base of Commander Masoud.

14. After withdrawing from Kabul, the government forces regrouped in the Panjshir valley and had little difficulty in repelling attacks against them by the Taliban. Two weeks later they launched a counter-attack and retook such

strategic places as Jabal-os-Siraj, Bagram and Charikar and moved to within rocket range of Kabul. Meanwhile, General Dostum and his allies in the Supreme Coordination Council abandoned their neutrality between the Taliban and the government forces and on 11 October concluded a new alliance known as Supreme Council for the Defence of Afghanistan. It comprised NIMA, the Hezb-i-Wahdat, Mr. Rabbani and Commander Masoud. The relationship between the Supreme Council and Mr. Gulbuddin Hekmatyar, who had been Prime Minister in Mr. Rabbani's Government since 26 June 1996, remains obscure. The purpose of the new alliance was to check, by military means if necessary, any further advances by the Taliban forces.

15. Since mid-October the military situation around Kabul has remained static, with desultory shelling and rocketing and occasional air raids but no serious armoured or infantry activity by either side. There has, however, been a recrudescence of military activity in the west of the country where Taliban forces operating out of Herat made initial incursions into NIMA-controlled territory in Badghis and Faryab provinces, as a riposte to the government forces' counter-attack to the north of Kabul, but they were subsequently repulsed by NIMA forces. At the same time, there have been reports of anti-Taliban unrest in the eastern provinces of Kunar and Nangarhar by elements of the former administration of these areas. The unrest has so far not developed into a full-scale military confrontation.

16. The most significant and disturbing consequence of these military developments is that Afghanistan is effectively divided, for the first time in recent history, between north and south. The division is not only military but also ethnic: the Taliban, whose leadership and forces are largely composed of Pashtuns, control almost all the Pashtun majority areas; and the Supreme Council controls almost all the areas where the majority is Hazara, Tajik or Uzbek.

Former Afghan President Najibullah

17. One of the first acts of the Taliban administration in Kabul was the extrajudicial murder of the former President Najibullah and his brother Shahpur Ahmadzai in the early hours of 27 September. At about 0130 hours on that day, a group of Taliban soldiers forcibly entered the Special Mission premises where Mr. Najibullah, his brother and two other colleagues had been living since taking refuge in the United Nations premises in April 1992. After some discussion, the Taliban soldiers forced Mr. Najibullah at gunpoint to enter their vehicles, which took him away in the direction of the presidential palace. About two hours later, another group of Taliban soldiers broke into the Mission compound and forcibly removed Mr. Ahmadzai, under the pretext of taking him to see his brother and promising to return him and Mr. Najibullah to the Mission premises within 30 minutes. At about 0600 hours, the United Nations international personnel in the Mission compound were informed that the bodies of Mr. Najibullah and his brother were hanging in Ariana square in the city centre, a short distance from the compound.

18. Mr. Najibullah's predicament had been a matter of concern to me for the previous four years. I had personally intervened with the Kabul authorities on a number of occasions to persuade them that Mr. Najibullah, who had cooperated

with the United Nations in an attempt to transfer power peacefully in 1992, should be allowed to leave Afghanistan safely. Most recently I had instructed the Under-Secretary-General for Political Affairs to put new proposals in this regard to the Kabul authorities during his visit to Afghanistan in mid-September (see paras. 37-39 below). They had consistently maintained that they wanted to resolve the problem but saw great political difficulties in doing so. They had nevertheless shown interest in the ideas put forward by the Under-Secretary-General for Political Affairs.

19. However the Taliban's seizure of Kabul and murder of Mr. Najibullah brought these discussions to an end and raised new issues relating to violation of the immunity of United Nations premises and the execution of persons who had sought refuge in those premises.

Current political developments

20. The fall of Kabul to the Taliban on 27 September has generated a great deal of political and diplomatic activity inside Afghanistan, in the region and internationally; it has also significantly affected the work of the Special Mission. Inside Afghanistan, a new realignment of forces emerged as a new anti-Taliban alliance replaced the Supreme Coordination Council. Control of the country is now divided between two major forces, the Taliban and the Supreme Council for the Defence of Afghanistan. The capture of Kabul, meanwhile, has propelled the Taliban into the international spotlight as their structure, administration, leadership, policies, political agenda and military aims are subjected to close scrutiny by the international community and the media.

21. At the regional level, some countries were alarmed at the prospect that the Taliban might overrun the whole of Afghanistan, while others took a less negative view of developments. The Russian Federation and four Central Asian countries adopted at Almaty on 4 October a declaration expressing concern that the flames of war should be coming nearer to the borders of countries belonging to the Commonwealth of Independent States. They declared that the Afghan conflict posed a direct threat to their national interests and security and those of the region. At the initiative of the Islamic Republic of Iran, a regional conference on Afghanistan was held at Tehran on 29 and 30 October. The conference adopted a declaration expressing concern at recent events and appealed for an early settlement through mediation by the international community.

22. The Security Council held several meetings and informal consultations on the Afghan situation before and after the fall of Kabul, and repeatedly requested me and the Special Mission to keep it fully informed of events. On 22 August, the President of the Security Council addressed a letter to me on this subject. After a formal meeting on 16 October, the Council adopted resolution 1076 (1996) on 22 October, in which it, inter alia, called upon all Afghan parties immediately to cease all armed hostilities, to renounce the use of force, to put aside their differences and to engage in a political dialogue aimed at achieving national reconciliation and a lasting political settlement of the conflict and establishing a fully representative and broad-based transitional government of national unity.

Humanitarian situation

23. The humanitarian situation in Afghanistan remains serious and is likely to deteriorate sharply over the winter months.

24. In spite of the destruction of 300,000 mines and the clearance of 153.8 square kilometres, it is estimated that up to 10 million mines still remain. Mine-related deaths have soared in recent months, owing to the massive number of civilians moving back into former front-line territory. It is estimated that on average one person is killed per hour by a mine incident. In Kabul, three persons per day report to hospitals with serious injuries caused by mines or unexploded ordnance. This rate is likely to increase in coming months as the population, especially children, enter former areas of conflict in search of firewood.

25. It is estimated that up to 1 in 10 Afghans suffer from a disability of some kind: war has created a large population suffering from blindness, amputations, paralysis or trauma. Few are receiving adequate, if any, treatment. Preventable communicable diseases are the leading cause of death among Afghan children. Malnutrition is now estimated to affect 15 to 20 per cent of all children under the age of five. Health problems are exacerbated by limited access to safe drinking water, estimated to be available to only 5 per cent of the rural population and at best 40 per cent of the urban population.

26. The food security situation will worsen as winter sets in, especially for the urban population. It is estimated that up to 600,000 persons in Kabul have an inadequate diet and may suffer from severe malnutrition. Some 700,000 Afghans now depend upon subsidized bread. A further 210,000 receive food assistance through the World Food Programme food-for-work projects for rehabilitation and reconstruction.

27. Afghanistan has the highest rate of infant, child and maternal mortality in Asia. It is listed as the last of 135 countries on the United Nations Development Programme Gender Development Index, which measures female literacy, life expectancy and school enrolment. The prospects for addressing this situation have taken a sharp turn for the worse in recent weeks.

28. Over 2 million Afghan refugees live outside the country. There are hundreds of thousands of internally displaced people, including up to 50,000 newly displaced as a result of recent fighting in the north-west.

29. The security of United Nations and other aid community staff, both national and international, is a matter of growing concern. Staff have been subject to threats, intrusion into their private and official premises and kidnapping. These have led the Office of the United Nations High Commissioner for Refugees (UNHCR) to put a hold on some of their programmes in Kabul until all UNHCR local staff are able to resume their activities, in particular the four who are still in detention.

30. Violations of basic human rights, in particular those of women, have increased considerably, notably in Kabul since the Taliban takeover. In areas

under their control, women and girls have been denied education and employment. On 7 October, I issued a statement in New York on the status of women and girls in Afghanistan, in which I stressed that the ability of the various United Nations agencies to operate in Afghanistan was vitally affected by policies of unequal treatment. I shall continue to address this issue patiently but consistently, through the Special Mission, the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan and the United Nations agencies in Afghanistan.

III. ACTIVITIES OF THE SPECIAL MISSION

31. Upon his appointment in July, the head of the Special Mission visited New York to be briefed and to receive instructions. He had consultations here with a number of Member States and stopped in Washington and Moscow for talks with senior government officials, before arriving in the region on 23 July and conducting a first round of consultations there between then and 13 August.

32. The initial round was devoted to an in-depth exchange of views with Afghan leaders and others. The head of the Special Mission briefed his interlocutors on his approach to his task and impressed on them the urgency of breaking the deadlock and the need to cooperate with the United Nations, beginning with an immediate ceasefire. He also stressed his intention to ensure better coordination between the United Nations agencies, non-governmental organizations and the Special Mission.

33. In pursuit of these aims, the head of the Special Mission travelled widely in Afghanistan. He met in Kabul with President Burhanuddin Rabbani; Prime Minister Gulbuddin Hekmatyar; the leader of the Ittehad-i-Islami, Mr. Abdul Rasul Sayyaf; the deputy leader of the Harakat-i-Islami, Mr. Ali Javed; the leader of the Hezb-i-Wahdat breakaway faction, Mr. Mohammed Akbar; the Vice-Minister for Foreign Affairs, Mr. Abdul Rahim Ghafoorzai; and the Minister of State for Foreign Affairs, Mr. Najibullah Lafrae. In Mazar-i-Sharif and Shebarghan, he met with the leader of the National Islamic Movement of Afghanistan, General Abdul Rashid Dostum, and his senior military and political officials, as well as with the deputy leader of the Hezb-i-Wahdat, Mr. Mohaqqiq. In Kandahar, he met the Taliban leadership, represented by the deputy leader of the Taliban Council, Mullah Mohammed Hassan; the Governor of Kandahar, Mullah Mohammed Hassan Rahmani; the official-in-charge of foreign affairs, Hajji Abdul Jalil; and the secretary of the Taliban Council, Mr. Mohammed Tahir. In Yaokolang, in Bamyan province, he met with the leader of the Hezb-i-Wahdat, Mr. Abdul Karim Khalili, and members of his Central Committee, and later with a group of professional women representing the women's wing of the Hezb-i-Wahdat. In Jalalabad, he met with Governor Hajji Abdul Qadir and members of his Eastern Zone Shura, and visited a camp of internally displaced persons located outside Jalalabad.

34. In Islamabad, the head of the Special Mission had talks with the leader of the National Islamic Front of Afghanistan (NIFA), Pir Sayed Ahmed Gailani; the leader of the Harakat-i-Islami, Ayatollah Assef Mohseini; and other prominent

Afghan personalities. He met several times with the Foreign Secretary of Pakistan, Mr. Najmuddin Sheikh, and other senior government officials. He then visited Peshawar for a meeting with the representatives of the international and Afghan non-governmental organizations working in Afghanistan, and with the members of the Council for Mutual Understanding of Afghanistan, a body representing a group of Afghan intellectuals.

35. Following this initial round of his consultations, the head of the Special Mission reported to me the following conclusions. There was a genuine sense of frustration among his interlocutors, who showed increasing anxiety about the political deadlock and the deteriorating military situation. Most of them tended to blame the stalemate on foreign interference, especially through the supply of arms and other military assistance. The Taliban and General Dostum reiterated their demand that Mr. Rabbani step down as a precondition for any negotiations. All the Afghan leaders showed undiminished support for the activities of the Special Mission, reaffirming their confidence in the United Nations as the organization best suited to break the stalemate. They repeatedly urged the Mission to put forward its own peace plan or at least a blue-print for a settlement.

36. I instructed the head of the Special Mission to pursue the peace process as intensively as possible. He should maintain contact with a wide spectrum of Afghan leaders and others, including segments of Afghan civil society, such as women's organizations and professional groups. I also requested him to press the leaders of the warring factions to agree to an immediate cessation of hostilities and to begin serious negotiations, through the good offices of the United Nations.

37. In order to demonstrate the importance I attached to the revitalization of the United Nations peacemaking efforts in Afghanistan, I dispatched the Under-Secretary-General for Political Affairs to the region between 10 and 17 September 1996.

38. In Kabul, the Under-Secretary-General and the head of the Special Mission met with President Rabbani, Prime Minister Hekmatyar, Mr. Rasul Sayyaf, Commander Masoud and Vice-Minister for Foreign Affairs Ghafoorzai, as well as with Mr. Najibullah. In Sheberghan, they met with General Dostum and the deputy head of the Hezb-i-Wahdat representing Mr. Khalili and in Kandahar with a delegation of the Taliban leadership led by the movement's Attorney-General, Mullah Abbas. They were obliged, however, to cancel their planned visit to Jalalabad, the location of the Mission's headquarters, as government aircraft were bombing the city, recently taken by the Taliban. In Islamabad, they held discussions with the Foreign Secretary of Pakistan, Mr. Najmuddin Sheikh, and with the Minister of the Interior, Mr. Nasrullah Babar.

39. Upon his return to New York, the Under-Secretary-General reported to me on the situation in Afghanistan as well as the activities of the Special Mission. Following his report, I confirmed that the Mission should intensify its consultations with all the Afghan parties, especially the Taliban, and that it should try to get each of them to subscribe to certain basic principles, such as a renunciation of the military option; agreement to participate in a phased

political process; negotiation in good faith; acceptance of a ceasefire; acknowledgment of the role of the United Nations in cooperation with the Organization of the Islamic Conference (OIC) in facilitating the peace process; and full support to and cooperation with the Special Mission. The Mission should also continue to develop ideas on the elements of a political process which could be floated during consultations with the Afghan parties.

40. Shortly thereafter, however, the Taliban took Kabul, creating the risk that hostilities would escalate. I accordingly instructed the Special Mission to concentrate on an immediate cessation of hostilities. Strenuous efforts were also to be made to establish a working relationship with the Taliban authorities in Kabul, in order to ensure that the United Nations maintained an open channel for communication with and between all the parties and to address certain humanitarian issues which had assumed greater prominence since the Taliban capture of Kabul. It was to impress on all the Afghan leaders that Afghanistan is a member of the United Nations and therefore bound by the Charter of the Organization, including those provisions relating to the equal rights of men and women, and the various human rights instruments to which Afghanistan is a party. It was also to ensure that appropriate conditions existed for the United Nations agencies to continue to provide relief to the needy people of Afghanistan.

41. The head of the Special Mission accordingly travelled to Kandahar on 28 September for a meeting with the Taliban leadership which was represented by the Governor of Kandahar and member of the Council of the Taliban, Mullah Mohammed Hassan Rahmani, and two other members of the Council. They encouraged him to meet with the person appointed by the Taliban as Prime Minister, Mullah Mohammed Rabbani, on all issues of concern to the United Nations peace mission in particular and the United Nations in general, including the gender issues, human rights, the continuation of humanitarian assistance and the application of the general amnesty declared earlier by the Taliban leader, Amir Mohammed Omar.

42. In pursuit of the ceasefire objective, the head of the Special Mission travelled to Mazar-i-Sharif and Shebarghan on several occasions during the first half of October to meet with General Dostum and once with Mr. Rabbani and representatives of Commander Masoud. His purpose was to arrange a direct negotiation between General Dostum and the Taliban (represented by Mullah Ghaus and others) at a neutral location acceptable to both sides. Although General Dostum and Mr. Ghaus initially agreed to such a meeting and the Mission made preparations for it, this direct negotiation did not take place, apparently as a result of the escalation of the conflict between the two sides as the Taliban forces tried to push northwards from Kabul.

43. After visiting Kabul on 21 October for talks with the Taliban, the head of the Special Mission flew to Mazar-i-Sharif on 23 October to meet General Dostum and representatives of other members of the Supreme Council for the Defence of Afghanistan. The Pakistani Minister of the Interior was in the city at the same time. The head of the Mission was invited to participate in the discussion of a draft ceasefire accord which the Pakistani Minister had been negotiating with the Taliban leadership and which he believed they would sign if it was accepted by General Dostum and his allies. The meeting accepted a number of amendments

proposed by the head of the Mission. However, the Pakistani initiative faltered at the last moment when members of the Supreme Council insisted that the agreement should also cover the demilitarization of Kabul.

44. Following this setback, the head of the Special Mission continued to shuttle between the Taliban and the Supreme Council in order to persuade them to meet under United Nations auspices to resume the negotiation of a ceasefire. These efforts led to a meeting in his office in Islamabad on 7 November at which the two sides were represented by Mullah Ghaus, acting Foreign Minister of the Taliban, and General Painda Muhammad, General Dostum's representative in Islamabad. No specific agreements were reached on this occasion but the two sides agreed to continue talks on a ceasefire.

IV. MEETING OF REGIONAL STATES AND OTHER STATES WITH INFLUENCE IN AFGHANISTAN

45. Pursuant to paragraphs 3 and 4 of General Assembly resolution 50/88 B, as well as paragraph 7 of Security Council resolution 1076 (1996), I invited a group of 19 regional and other interested Member States, together with OIC, to a meeting of consultation in New York on 18 November 1996. The purposes of the one-day meeting were twofold: to brief the participants on the current United Nations efforts in Afghanistan in the political, humanitarian and developmental fields; and to discuss with them what more they could do to support those efforts, with special reference to the conclusion of a ceasefire and the initiation of a political process leading to a negotiated settlement of the conflict. The Member States invited, all of whom accepted the invitation, were China, Egypt, France, Germany, India, the Islamic Republic of Iran, Italy, Japan, Kazakstan, Kyrgyzstan, Pakistan, the Russian Federation, Saudi Arabia, Tajikistan, Turkey, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uzbekistan. I informed the Presidents of the General Assembly and the Security Council of the results of the meeting by letters dated 20 November (A/51/689 and S/1996/966, respectively).

46. All participants agreed that the present situation could not be allowed to continue. It was intolerable in terms of the suffering it imposed on the Afghan people. It was also intolerable in the threats that it presented to the region and the world: threats of regional destabilization, drugs, terrorism and illegal arms flows.

47. The participants also reaffirmed the principles enshrined in General Assembly resolution 50/88 B, namely respect for Afghanistan's sovereignty, independence and territorial integrity; the need for the Afghan parties to negotiate a political settlement that would will respect the rights of all groups, including their human rights; and an end to foreign interference, especially through the supply of arms. And they reaffirmed support for the kind of peace process outlined in resolution 50/88 B.

48. All the participants confirmed that the United Nations had a central role to play in helping the Afghan parties define and implement a peace process, in

close consultation with OIC, whose efforts should be complementary to those of the United Nations. They were unanimous in their appreciation of the efforts of the Special Mission under the leadership of Mr. Holl, especially his current efforts to bring about a ceasefire in and around Kabul, and pledged their continued support for those efforts. I was particularly encouraged that they responded positively to my call for close coordination between their own mediating efforts and those of the United Nations.

49. The participants responded positively on a number of other key issues. They indicated that they would use their influence with the various factions to persuade them to give up the military option and join in the common search for a negotiated peace. They gave a positive response to my request that countries with influence in Afghanistan should be ready, individually or collectively, to help the United Nations efforts when the United Nations so requested. Most expressed the view that it would be useful for the countries at the meeting to continue to meet informally from time to time and at various levels. There was also widespread support for the idea that in due course an international conference should be convened to support negotiations and endorse their results. A number of delegations offered to host such a conference and/or earlier direct negotiations between the Afghan parties.

50. The delegations also showed a keen interest in collective action to curb or halt the flow of arms and ammunition into Afghanistan. Some suggested that the Wassenaar regime for the point of origin control of conventional weapons transfers could be useful in this context. Others favoured a formal arms embargo by the Security Council.

51. The delegations were unanimous in their desire to alleviate the suffering which the Afghan conflict imposed on the ordinary people of that country. A number of them also shared my view that the promise of a major international effort to reconstruct Afghanistan when peace was restored could itself be an important incentive to the faction leaders to negotiate a peace settlement.

V. OBSERVATIONS AND RECOMMENDATIONS

52. I am heartened by the fact that the international community seems prepared to re-focus its attention on the situation in Afghanistan. I believe that the meeting which took place at my invitation on 18 November was a useful first gathering of a group of countries which are particularly well placed to support the efforts of the Secretary-General to carry out the mandates entrusted to him by the General Assembly and the Security Council. It is my intention to convene further informal meetings of the group from time to time at various levels.

53. The lead role in the United Nations efforts to help bring peace to Afghanistan lies with the Special Mission to Afghanistan. The Mission will continue to explore how it can most effectively assist the Afghan parties to negotiate a broad-based settlement. To that end it will maintain contact with all the parties involved in the conflict and will observe strict neutrality and impartiality in its work, impressing on the faction leaders that their genuine cooperation with the Mission is vital to the success of any peace plan. The

immediate focus of its efforts is the negotiation of a ceasefire, to be accompanied or followed by the demilitarization of Kabul and the establishment of a neutral force to police the city while political dialogue continues, with the assistance of the Mission if the parties so wish, on the creation of a fully representative and broad-based mechanism for national reconciliation.

54. I have already taken the necessary steps to strengthen the Mission by appointing the four additional political affairs officers authorized in General Assembly resolution 50/88 B. In addition, I propose to increase its military advisers from the current two to five, so as to enhance its capability to understand the fast-changing military situation and to facilitate the parties' discussion of options for the demilitarization of Kabul and other such measures. I also propose to assign two civilian police advisers to the Mission in connection with current discussions between the Afghan parties about the establishment of a neutral force to police a demilitarized Kabul.

55. In cooperation with the United Nations agencies and programmes operating in Afghanistan, the Special Mission will continue to raise with the relevant authorities issues of equal treatment, the observance of human rights, and the unhindered provision of humanitarian assistance to the needy. The Mission will also insist on strict respect for the privileges and immunities of United Nations staff and premises.

56. The suffering of the Afghan civilian population, who continue to bear the main brunt of the civil war, and the dangers that that war creates for regional stability, oblige the international community to intensify its search for a peaceful solution, despite the fact that certain Afghan parties seem to continue to favour the military option. It is fortunate, however, that the great majority of Afghans want the United Nations to play a central role in the search for a solution. I therefore seek the General Assembly's endorsement of the approach set out in this report and in particular of the proposed additions to the strength of the Special Mission.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/699
S/1996/991
29 November 1996
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Agenda items 33 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Fifty-first year

Letter dated 27 November 1996 from the Permanent Observer of the League of Arab States to the United Nations addressed to the Secretary-General

In accordance with Article 54 of the Charter of the United Nations, I have the honour to enclose herewith the statement issued by the League of Arab States denouncing the measures taken by Israel to expand the settlements in the occupied Arab territories. Kindly inform the President of the General Assembly and the President of the Security Council of this statement and also arrange for it to be distributed as a document of the Security Council and of the General Assembly under agenda items 33 and 35.

(Signed) Mahmoud ABOUL-NASR
Ambassador
Head of Mission
New York

96-34382 (E) 291196 291196

/...

ANNEX

Statement issued on 24 November 1996 by the Secretariat of the League of Arab States denouncing the measures taken by Israel to expand the settlements in the occupied Arab territories

The Secretariat of the League of Arab States is following with grave concern the decision of the Israeli Government to expand the Israeli settlements in the West Bank, occupied Arab Jerusalem, the Gaza Strip and the Syrian Golan Heights. It reaffirms that the measures taken by the Israeli Government to that end contribute to the tension in the region and generate an increase in acts of violence, in addition to the fact that those practices are causing a loss of confidence in the sincerity of the Israeli Government in moving forward in the peace process, and threaten to undermine that process.

The Secretariat of the League of Arab States, in denouncing those measures, holds the Israeli Government fully responsible for the outcome of its practices, which are incompatible with the rules and principles of international law, the decisions of international legitimacy and the provisions of the fourth Geneva Convention of 1949. It reaffirms that the continuation by the Israeli Government of those practices, and the acts of repression, terrorism and torture committed by it against citizens in the occupied Arab territories, will merely result in the creation of a thick wall of mistrust, compounded by the Israeli court's latest decision that Israeli interrogators are permitted to continue their bodily torture of Palestinian detainees. The Secretariat considers this decision to be a flagrant violation of the provisions of the fourth Geneva Convention of 1949, the Universal Declaration of Human Rights and the spirit of the current peace process in the region.

The Secretariat of the League of Arab States calls upon the States involved in the peace process in the Middle East, and in particular the United States of America, the Russian Federation and the States members of the European Union, to move speedily and effectively to maintain the momentum achieved in the peace process and to compel Israel to abide by the provisions of international law and the decisions of international legitimacy, especially Security Council resolutions 242 (1967), 252 (1968), 338 (1973) and 425 (1978), and the principle of land for peace, with a view to transforming the Middle East into a region of peace, security and stability.